

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

STARTING WITH THE 12/1/08 CALENDAR, A “SECOND CHECK” WILL NO LONGER BE CONDUCTED. ONLY ONE EXAMINATION OF THE FILES WILL BE MADE APPROXIMATELY TWO WEEKS PRIOR TO THE HEARING. THESE NOTES REPRESENT THE STATUS OF THE FILE AT THAT TIME. ANY LATER DOCUMENTS WILL NOT BE REVIEWED BY THE PROBATE EXAMINERS PRIOR TO THE HEARING.

NOTICE • NOTICE • NOTICE • NOTICE • NOTICE

THE NOTES BELOW REPRESENT NOTES AFTER THE SECOND CHECK HAS BEEN COMPLETED. NO FURTHER DOCUMENTS WILL BE REVIEWED PRIOR TO HEARING.

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CIVCAL4 Joshua Tree District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

PROBATE

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: MCVMS07745

CASE NAME: THE MATTER OF IRA TUCK

SEE ALSO 3 4

HEARING:

Hearing Re: Status

COUNSEL:

OFFICE OF THE CHIEF TRIAL COUN(PET)...THE STATE BAR OF
CALIFORNIA

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. On 10-2-08 the court ordered that this case be transferred to Redlands for all purposes and to be heard in conjunction with MPR 01619.
2. Nothing new filed

RECOMMENDATION:

Court's discretion.

XREF MPR01619

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01447

CASE NAME: ESTATE OF WILLIE MAE MACKLEY

HEARING:
Probate status report filed.

COUNSEL:
WALTER H MACKLEY (PET)...IGNAZIO
ANASTACIA MACKLEY (PET)...IGNAZIO
WILLIE MAE MACKLEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Estate is not in a condition to close due to the need to sell real property.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for the next status
report and/or account for 11-24-09. Any accounting to be filed 30 days in
advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01619

CASE NAME: ESTATE OF IRA N. TUCK

SEE ALSO 1 4

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARY LEWIS (PET)...HORSPOOL & PARKER

IRA N TUCK (DEC)...

DAVID E JACOBS (DAVID E JACOBS)...DAVID E J

GENERAL INFORMATION:

Continued from **3/27/07** at request of counsel. Nothing new filed.

Continued from **8/1/07** at request of counsel. Nothing new filed.

Continued from **10/10/07** at request of counsel. Nothing new filed.

Continued from **01-16-08** at request of counsel. Nothing new filed.

Continued from **02-20-08** at request of counsel. Nothing new filed.

Continued from **4/9/08**. Nothing new filed.

Continued from **5-28-08 and 8/19/08**. Nothing new filed.

Continued from 9-29-08. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters Testamentary issued 9/29/06, no bond.
2. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 (Administrator/Executor) and/or 8505. There is no bonding company to notice.

(/vet/ABS/NMT/GLS/NMT)
XREF MCVMC07745

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: MPRMS01619

CASE NAME: ESTATE OF IRA N. TUCK

SEE ALSO 1 3

HEARING:

Practice Adminstrator Account and Report of DAVID E JACOBS and
Petition for allowance of fees filed.

COUNSEL:

MARY LEWIS	(PET)...	HORSPOOL & PARKER
IRA N TUCK	(DEC)...	
IRA N TUCK	(DEC)...	
DAVID E JACOBS	(STE)...	DAVID E JACOBS
DAVID E JACOBS	(DAVID E JACOBS)...DAVID E J

GENERAL INFORMATION: **Continued from 9-29-08.**

THIS CASE IS SET FOR HEARING ON Report and Account of Practice
Administrator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner, David Jacobs, alleges that he was retained by Mary Lewis (the executor of the estate and sole beneficiary) to oversee decedent's law practice and to attempt to find a purchaser of the law practice. Petitioner agreed to this request and was appointed Practice Administrator on 8/21/06. It was agreed that petitioner would be present at the office twice per week for the purpose of seeing clients and overseeing the practice and would be paid \$800/day. Further, petitioner would receive 30% of the statutory fees in the eight pending probate matters. Petitioner alleges that a conflict quickly arose between petitioner and Mary Lewis concerning the operation of the law firm in that information was obtained that Ms. Lewis was personally engaging in the

unauthorized practice of law. Upon application by the chief trial counsel of the State Bar, an order was made to close down the law practice. Pursuant to that order petitioner changed the locks to the office, seized all client files, transferred telephone lines and notified all former clients of their right to obtain their file and that the office would be closing. Petitioner did not take the \$800/week for the supervision of the office as agreed due to the State Bar involvement.

2. Court may wish to review declaration of petitioner re allegations against Mary Lewis. There are allegations of practicing law without a license, allegations that Ms. Lewis has opened up a document preparing office with the former clients of decedent and that she is using her authority as executor to maintain telephone lines of the prior law office of decedent. Court may wish to set OSC re removal of Mary Lewis.
3. Petitioner provides an accounting of funds received and expenses paid. Also, petitioner closed five of the pending probates with fees totaling \$10,680.88 owing to the decedent's estate. Petitioner now holds \$2,706.98 from the original funds of decedent's practice plus the \$10,680.88. Petitioner wishes to deduct \$7,759.68 for expenses incurred leaving a balance due the estate of \$5,628.18. Expenses are itemized.
4. **Objections filed by Mary Lewis.**
5. **Answer to objections filed by Practice Administrator.**

RECOMMENDATION:

Set for contested hearing. Court's discretion re note 4. Court may also wish to set OSC re removal (note 2).

(GLS/NMT/cbr)

XREF MCVMC07745

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0600191

CASE NAME: ESTATE OF ROSIE MAE BAHER

HEARING:
Accounting Review

COUNSEL:
PAMELA J SANBAR (PET)...LAYNE
ROSIE MAE BAHER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700047

CASE NAME: MARGARET A FEAX

HEARING:
Hearing re Final Discharge

COUNSEL:
ROBERT DURAN (PET)...D. HERSHEL W ILSON
MARGARET A FEAX (DEC)...

GENERAL INFORMATION **Continued from 9-30-08. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700053

CASE NAME: SHIRLEY SHIZUKA REINER

HEARING:
Hearing re Final Discharge

COUNSEL:
ROBERT LEONARD REINER (PET)...PRO/PER
SHIRLEY SHIZUKA REINER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts filed. However, petitioner is sole distributee.
2. Ex-Parte Petition for Final Discharge and Order filed.

RECOMMENDATION:
Court may wish to sign final discharge and order.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700115

CASE NAME: LINDEL FIELDS

SEE ALSO 9

HEARING:

Order to Show Cause re: Failure to file an I & A filed by BENNIE
E FIELDS.

COUNSEL:

BENNIE E FIELDS (PET)...MARILYN PLUNKETT QUAIL
LINDEL FIELDS (DEC)...

GENERAL INFORMATION Continued from **7-29-08**. No one appeared and court
ordered Bennie Fields and Marilyn Quail to appear at the 9-23 hearing. Clerk
gave notice. Nothing new filed.

**Continued from 9-23-08. No one appeared. Court issued citation on. We are
awaiting return of citation on Marilyn Quail.**

THIS CASE SET FOR HEARING ON OSC re: Failure to file Inventory and
Appraisal by Bernie Fields

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. On 07/15/08, there was no appearance and/or Inventory and Appraisal
filed. Matter was set for OSC. Notice given by courtroom clerk.
2. No accounting filed.
3. Citation served for Bennie Fields on 10/31/08.

RECOMMENDATION

Court's discretion. Clerk must notice bonding company.
(cbr/NMT/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700115

CASE NAME: LINDEL FIELDS

SEE ALSO 8

HEARING:
Accounting Review

	COUNSEL:
BENNIE E FIELDS	(PET)...MARILYN PLUNKETT QUAIL
LINDEL FIELDS	(DEC)...

GENERAL INFORMATION Continued from **7-29-08**. No one appeared. Clerk gave notice. Nothing new filed.

Continued from 9-23-08. No one appeared. Nothing new filed.

THIS CASE SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. This matter is set for Accounting Review. No accounting and/or status report has been filed.

RECOMMENDATION
See preceding page.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700733

CASE NAME: Estate of Paul Relph Bolles

HEARING:
Accounting Review

COUNSEL:
BRIAN WAYNE BOLLES (PET)...JENNIFER L FIELD
PAUL RELPH BOLLES (DEC)...
DEPT OF HEALTH CARE SERVICES (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review.
2. Status report filed to be heard on 12/17/08.

RECOMMENDATION:
Court may wish to take matter off calendar.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700785

CASE NAME: JOSEPH PAUL WALKO

HEARING:

WAIVER OF Account and Report of MARY A WALKO and Petition for allowance of fees filed.

COUNSEL:

MARY A WALKO (PET)...HOWARD S BORENSTEIN
JOSEPH PAUL WALKO (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Sole heir waives accounting.
2. Petitioner requests authority to withhold \$2,000 in closing costs.
3. Statutory fees are \$5,470.78. Petitioner waives fees.
4. Attorney requests reimbursement of \$1,908.25 for costs advanced.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for filing of receipts and discharge for 11-24-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0700925

CASE NAME: JOHNNY MOLINA SPECIAL NEEDS TRUST

HEARING:
Accounting Review

COUNSEL:
MASTER TRUST OF CALIFORNIA (STE)...F BENTLEY MOONEY INC

GENERAL INFORMATION Assets are located in the Master Trust, thus are with
Inland Regional Center.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the
court shall take action as specified in Pr.C. § 11050. There is no bonding
company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701077

CASE NAME: MTR OF VYVYAN J VOLLBRACHT

HEARING:

FIRST AND FINAL Account and Report of JEANNE C MINNERLY and
Petition for allowance of fees filed.

COUNSEL:

JEANNE C MINNERLY (PET)...KATHLEEN B ALBREKTSON
VYVYAN J VOLLBRACHT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of
account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Sole heir waives accounting.
2. Petitioner lists assets having the same value on the date of inception of this estate and the date of this account, more than a year apart. However, approximately \$90,000 was liquid. Why was this not retained in an interest bearing account? File verified supplement.
3. Petitioner requests authority to retain \$1,000 in closing costs.
4. Statutory fees are \$6,189.13.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 11-24-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701078

CASE NAME: RAYMOND RUIZ ROCHA

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ROCHELLE R HOWELL (PET)...SIDNEY W JONES
RAYMOND RUIZ ROCHA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has been filed.
2. Sections 6-8 are not properly completed in that attorney had the petitioner sign and attorney's signature is required. Please file a properly completed inventory and appraisal.

RECOMMENDATION:

Need to correct notes.

NMT

FUTURE HEARINGS CURRENTLY SET: 3-24-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701137

CASE NAME: LUIS RAYMUNDO CONTRERAS

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

BLANCA E CONTRERAS (PET)...PRO/PER
LUIS RAYMUNDO CONTRERAS (DEC)...

**GENERAL INFORMATION Continued from 9-30-08 to file bank statements.
Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing of Inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
3. On 4-28-08 the court authorized the placing of liquid assets into a blocked account in lieu of bond. Court ordered the petitioner to provide an order to that effect. To date, no order has been received and there is no proof of assets being in a blocked account. Hence, letters have still not issued.

RECOMMENDATION:

Require bank statements to be filed. Court may wish to set O.S.C. re proof of blocked account and proof of issuance of letters.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-25-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701175

CASE NAME: MTR OF ALICE DAVIS

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
KENDALL ROSS DAVIS (PET)...PRO/PER
ALICE DAVIS (DEC)...

GENERAL INFORMATION Continued from 8-19-08.

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only a partial inventory and appraisal has been filed.
2. At the time of the 8-19-08 hearing the petitioner represented that the only asset of the estate was being foreclosed upon and that a petition pursuant to Pr.C. § 12251 would be filed to terminate the estate. Since that time the attorney has filed a petition to relieved for non-cooperation and thereafter filed a substitution of attorney. Petitioner has not filed the necessary petition and is now a self represented litigant.

RECOMMENDATION:
Court's discretion.

NMT

FUTURE HEARINGS CURRENTLY SET: 4-14-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0701196

CASE NAME: MTR OF RAMON OTERO JR

SEE ALSO 17A 18 18A

HEARING:

Petition for REQUIRE PERSONAL REP TO GIVE BOND OR TO REVOKE
FULL AUTHORITY TO ADMINISTER

COUNSEL:

NINA C MUNOZ	(PET)...SANDRA N. BALDONADO
RAMON OTERO JR	(DEC)...
VANESSA OTERO	(PET)...DAVID L RICE
MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR

GENERAL INFORMATION

Vanessa Otero appointed administer with will annexed issued on 05/20/08 no bond.

THIS CASE SET FOR HEARING ON Petition to Require Personal representative to give bond or to revoke full authority to administer.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are the administrators of the decedent's deceased spouse; Marta Otero.
2. Petitioners are informed and believe that the decedent killed Martha and in turned the gun on himself. The petitioners intend to file a wrongful death suit in the sum of \$7,004,694.29.
3. Petitioners allege no Inventory and Appraisal has been filed; however, the personal representative has filed her own creditor's claim for funeral expenses purportedly paid by her, which claim shows the estimated value of the estate to be \$3,600,000.00.
4. Petitioners do not indicate what bond shall be set at. Court may wish to set bond at \$3,600,000.00 or alternatively petitioners seek to have

personal representative's full authority revoked and court granted limited authority only.

5. Notice appears sufficient.
6. There is no opposition at time of review.

RECOMMENDATION

Court's discretion

(cbr)

Future hearing dates:

12/16/08 850 Petition

12/16/08 Inventory and Appraisal

01/20/09 1st and Final

07/21/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800011

CASE NAME: MARTHA E. OTERO

SEE ALSO 17 18 18A

HEARING:

Petition for TO DETERMINE HEIRSHIP

COUNSEL:

MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...
VANESSA OTERO	(TP)...DAVID L RICE
MELANIE OTERO	(WAGNER KIRKMAN BLAINE
KLOMPARE)...WAGNER KI	
RAMON HUMBERTO OTERO	(WAGNER KIRKMAN BLAINE
KLOMPARE)...WAGNER KI	

GENERAL INFORMATION

XREF PROPS0701196

Continued from 05/13/08. Attorney Keith Walker filed a notice of related cases in which a ruling had not been made. Court would discuss notice of related case with other department and make a decision. Nothing new filed re this matter. Continued from **07/15/08**. Objections filed by Vanessa Otero. Petitioners to file response to objections and file creditor's claim.

Continued from 9-16-08. Only new thing filed is an 850 petition.

Continued from 10/28/08 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to determine heirship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 2/13/08.
2. Co-administrators now state that decedent died intestate and was survived by a husband and five children and three stepchildren (issue of husband), that decedent died by a gunshot wound to the head inflicted by husband and then husband killed himself, that husband survived decedent by a short period, and that competing petitions for

letters testamentary and letters of administration re the husband's estate are pending in case PROPS0701196 set for this same date (5/13/08).

3. Petitioners request a determination per Pr.C. 254(b) that the husband "feloniously and intentionally" killed decedent/wife. Petitioners attach portions of the crime report (Exhibit C) and note that the remainder is available for court review but has not been attached because of the sensitive nature of the report. Petitioners add that the husband was not charged, and no criminal proceedings are going forward, because the husband is deceased. If the husband is found to have "feloniously and intentionally" killed decedent then his estate would not take in this estate nor take any jointly-held property or interest in decedent's life insurance. Instead, the estate would pass as if the husband predeceased decedent and decedent's entire estate would pass to her five children only.
4. The resulting order would determine that there was no parent-child relationship between decedent and the stepchildren (and therefore that they would not take in this estate), that the husband feloniously and intentionally killed decedent and therefore is not entitled to take in this estate, and that the entire estate passes to the five children.
5. The administrator of the husband's estate has filed a Statement of Interest in Estate (filed 4/30/08) in which she claims a one-half interest in the estate for the husband's estate on the basis that she has not yet been able to assess the applicability and effect of Pr.C. 250 et seq. in this case. She requests a continuance of this hearing for an unspecified period.
6. Vanessa Otero filed points and authorities in support of statement of interest in estate; tabbed.
7. No Proposed Order filed.

RECOMMENDATION

Court's discretion. Court may wish to set evidentiary hearing or continue to be heard in conjunction with the hearing on 11-18-08.

(/abs/cbr/NMT/cbr)

Future hearing dates: 04/22/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800011

CASE NAME: MARTHA E. OTERO

SEE ALSO 17 17A 18A

HEARING:

Petition for DETERMINE TITLE TO REAL PROPERTY

COUNSEL:

MICHAEL RAMOS	(PET)...ALLARD, SHELTON & O'CONNOR
LUKE ESSLINGER	(PET)...ALLARD, SHELTON & O'CONNOR
MARTHA E. OTERO	(DEC)...
VANESSA OTERO	(TP)...DAVID L RICE
MELANIE OTERO	(WAGNER KIRKMAN BLAINE KLOMPARE
RAMON HUMBERTO OTERO	(WAGNER KIRKMAN BLAINE KLOMPARE

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Petition to Determine Title to Real property
Pr. C. § 850(a)(2)(D)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioners allege that the decedent and spouse, Ramon, were married on 07/03/93 and resided in California the lifetime of their marriage. Decedent and spouse entered into a premarital agreement prior to marriage on 06/30/93.
2. Decedent died intestate on 12/17/07. Decedent was survived by her spouse Ramon Otero, Jr. who also died on 12/17/07. The decedent died of a gunshot wound. Petitioners are informed and allege that Ramon inflicted the fatal wound upon the decedent before turning the gun on himself.
3. Ramon died testate and Vanessa Otero, one of his three children, is Administrator of his estate; case PROPS0701196.
4. Petitioners seek the following parcels of real property titled in Ramon's name alone:

- a. 13131 Serenity Trail, Chino, California
- b. 522 West Holt Ave., Pomona, California
- c. 43811 Longhorn Road, Banning, California
- d. 15110 Chipmunk Trail, Banning California

Thus petitioners ask court make an order determining the decedent's community interest in each of the parcels of real property described herein.

- 5. The properties on Serenity Trail and Holt Ave. were acquired by Ramon prior to the marriage and as also stated in the premarital agreement.
 - a. Petitioners allege that the property on Serenity Trail was encumbered and that payments on the encumbrance were made out of the earnings of the spouses during their marriage. By virtue of such payments petitioners allege that the decedent acquired an interest therein under the authority of Marriage of Moore (1980) 28 Cal.3d 366 and Marriage of Marsden (1982) 130 Cal.App.3d 426
 - b. Petitioners allege that the property on Holt Ave. was the location of the decedent's law practice. The property was refinanced during Ramon's marriage to the decedent and on 09/28/01; a deed of trust securing a note of \$147,000 was recorded. Petitioners also submit that by virtue of the payments made on said encumbrance out of the earning of the spouses, the decedent acquired an interest therein under the authority of Moore Marsden, supra.
 - c. The properties on Longhorn Road and Chipmunk Trail were acquired during Ramon's marriage to the decedent, but for the Premarital Agreement, would be presumed to be community property under Section 760 of the Family Code, such property not having come to Ramon by gift, bequest, devise or descent.
- 6. Petitioners allege that the aforementioned premarital agreement is unenforceable against the decedent or her estate for the following reasons:
 - a. The decedent did not execute the agreement voluntarily.
 - b. The agreement was unconscionable when it was executed.
- 7. Notice of hearing and proof of service filed; however, personal representative, Vanessa Otero, of the estate of Ramon Otero is to be served per C.C.P. 415.4 as Ms. Otero lives in Florida.
- 8. No objections have been filed at time of review.

RECOMMENDATION

Need notice then Court to set for evidentiary hearing.

(cbr)

Superior Court of Calif, County of San Bernardino

Page: 18A

CIVCAL4

Superior Court - Redlands - Probate

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08

TIME: 9:00

DEPT: E1

CASE #: PROPS0800011

CASE NAME: MARTHA E. OTERO

SEE ALSO 17 17A 18

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MICHAEL RAMOS

(PET)...ALLARD, SHELTON & O'CONNOR

LUKE ESSLINGER

(PET)...ALLARD, SHELTON & O'CONNOR

MARTHA E. OTERO

(DEC)...

VANESSA OTERO

(TP)...DAVID L RICE

MELANIE OTERO

(WAGNER KIRKMAN BLAINE

KLOMPARE)...WAGNER KI

RAMON HUMBERTO OTERO

(WAGNER KIRKMAN BLAINE

KLOMPARE)...WAGNER KI

GENERAL INFORMATION

XREF PROPS0701196

Continued from **08/27/08** at request of counsel. Counsel stated that partial Inventory and Appraisal was with probate referee. Nothing new filed. **Continued from 9-16-08. Only new thing filed is an 850 petition. No inventory and appraisal filed.**

Continued from 10/28/08 at request of counsel as the partial Inventory and Appraisal is with the probate referee. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Hearing re Inventory and Appraisal.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Probate petition granted 2/13/08, no bond.
2. Need Final inventory and appraisal.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, the court may set hearing in accord with Pr. C. §§ 8804 and/or 8505. No bond company to notice.

Abs/cbr/NMT/cbr

FUTURE HEARING DATES: 4/22/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800131

CASE NAME: JAMES M. MCCLEERY

HEARING:
Petition for DETERMINE AN ESTATE INTEREST IN REAL PROPERTY

COUNSEL:
DEANN KAY MCCLUNG (PET)...WILLIAM M NASSAR &
ASSOCIATES
JAMES M MCCLEERY (DEC)...
DEBORAH MCCLEERY (RES)...RICHARD J LISTER

GENERAL INFORMATION

Continued from 05/05/08. At the 05/05 hearing, parties were ordered to go to mediation. Notice to be given by Attorney A.J. Beechko. Nothing new filed with exception of notice of hearing.

Continued from 8-12-08, as parties near settlement. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to Determine interest in real property Pr.C.§850

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Petitioner has filed a Pr.C. § 850 petition pursuant to Pr.C. § 850(a)(2)(B) without first filing a petition for probate. It appears that no action for probate has been filed. If there is no action pending for probate question how an 850 petition can be brought. There is no one to serve with the petition. There is no representative of the estate. Judge to decide if a petition for probate must first be filed before this action can proceed.
2. While the petitioner indicates that this action is brought pursuant to Pr.C. § 850(a)(2)(B) she also says at Page 4, lines 9-12 that upon the sale of the property, she as the trustee will distribute according to the

- trust of the decedent. Is she then bringing this action as the trustee? As such, the proper section would be Pr.C. § 850(a)(3)(B). Also if the action is properly under that section then we need a copy of the trust.
3. An additional problem is that the neither the petitioner or the alleged Marital Settlement Agreement offer any clue as to what the interests of the decedent and the surviving spouse might have actually been in the property. All the agreement says is that they are to receive their respective shares as required by law.
 4. Petitioner offers little in the way of authority to establish the validity of her position. Petitioner offers one case *Sanborn v Sanborn* 3 Cal. App. 2nd 437 for the premise that contracts between husbands and wives under Ca. Civ. Code § 159 are valid if not procured by fraud. That code section was repealed in 1969. Petitioner offers no current information on a code section that might have replaced the old code section. Petition then cites Ca. Civ. Code § 1550 and indicates that all of the elements of a contract are contained in the agreement. What petition doesn't offer is any authority for the premise that a settlement agreement made in anticipation of a dissolution is valid if the dissolution action is terminated by operation of law upon the death of one of the spouses. File verified supplement.
 5. Notice of hearing and proof of service filed. However, objector's counsel is the only party noticed. Need notice of hearing and proof of service directly to objector and Deborah McCleery.
 6. Petitioner is decedent's daughter and successor trustee of the James McCleery Trust dated 9/14/07. Need copy of trust.
 7. Petitioner alleges decedent purchased real property in Apple Valley in 1990 as his sole and separate property. Decedent married Deborah McCleery in 2002 and on 8/5/05 the property was refinanced and title was changed to be held jointly by James and Deborah McCleery. On 4/30/07 James and Deborah entered into a Marital Settlement Agreement wherein the parties agreed to sell the real property and the parties to "be awarded their respective share of the remaining equity as required by law". Decedent died 11/9/07 and the listing agreement signed by James and Deborah extends to 7/25/08.
 8. Petitioner requests that the court confirm the validity of the marital agreement and that the estate of James McCleery retain its interest in the real property. Whatever interest that might be.
 9. Objections filed by decedent's spouse Deborah McCleery.

RECOMMENDATION:

Need notice and verified supplements with authority for the action sought. Need court's ruling on whether a probate action needs to be filed prior to bringing this action, or if the petitioner may amend to request that this action be brought pursuant to Pr.C. § 17200 in addition to Pr.C. § 850, or if this action stand alone. Thereafter, Court may wish to set contested hearing.

/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800133

CASE NAME: RICHARD P. WHITE

Vacated – Final Inventory and Appraisal filed

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

DARLA L. WHITE
RICHARD P. WHITE

(PET)...DANIEL C. SEVER
(DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800151

CASE NAME: PHYLLIS R. BROUSSARD

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JONATHAN A. BROUSSARD (PET)...LYNNE SMITH

PHYLLIS R. BROUSSARD (DEC)...

ANDREA G VAN LEESTEN (TP)...ANDREA G VAN LEESTEN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800163

CASE NAME: JOHN GARFIELD SCOTT

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
DARWIN F SCOTT (PET)...KATHLEEN B ALBREKTSON
JOHN GARFIELD SCOTT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Final Inventory and Appraisal filed.
2. Bank statements provided; however, bank statement for CD account ending in 7677 does not have date of death balance. Does court wish to require letter from Wells Fargo indicating date of death balance? Judge to decide

RECOMMENDATION:
Court's discretion

NMT/cbr

FUTURE HEARINGS CURRENTLY SET: 6-23-09 for accounting review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800639

CASE NAME: LUIS G. MACIEL

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

MARIA MACIEL (PET)...MIN STEPHEN CHO
LUIS G. MACIEL (DEC)...

GENERAL INFORMATION Continued from **8-19-08** to file supplement. Nothing
new filed.

Continued from 10-7-08 at the request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A.
authority and \$10,000 bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests bond of \$10,000. Minimum bond is \$20,000. Minimum
bond appears to be adequate. Judge to decide. **Court determined at the
time of the 8-19-08 hearing that bond would be \$20,000.**
2. Petitioner failed to list surviving spouse on Attachment 8. File verified
supplement. In the alternative the court may elect to correct error by
interlineation. Judge to decide.

RECOMMENDATION:

Need to correct note 2. If petition granted court will have to set future dates. Set
hearing for filing of inventory and appraisal for 6-30-09. Set hearing for filing of
accounting and/or status report for 1-26-10. Any accounting to be filed 30 days in
advance.

NMT/cbr/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800659

CASE NAME: KATHLEEN B. FONTENOT

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

REX FONTENOT (PET)...PRO/PER
KATHLEEN B. FONTENOT (DEC)...

GENERAL INFORMATION Continued from **9-2-08**. Nothing new filed.
Continued from 10-14-08 at the request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to administer, with full I.A.E.A.
authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner is the sole heir and waives bond. Petitioner is a California resident.
2. File proof of publication.
3. Section 8 of petition does not list petitioner's relationship to the decedent. File verified supplement.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of inventory and appraisal for 6-30-09. Set hearing for filing of accounting and/or status report for 1-26-10. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800759

CASE NAME: LOIS JEAN TEMPLEMAN

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

LORI GAY TEMPLEMAN (PET)...SUZANNE M GRAVES
LOIS JEAN TEMPLEMAN (DEC)...

GENERAL INFORMATION **Continued from 9-23-08 for proof of publication.**

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner is the sole heir and waives bond. Petitioner is not a California
resident. Estate is valued at \$293,000. Judge to decide.

RECOMMENDATION:

Recommend for approval absent objections and court's determination re bond. If
petition granted court will have to set future dates. Set hearing for filing of
inventory and appraisal for 6-30-09. Set hearing for filing of accounting and/or
status report for 1-26-10. Any accounting to be filed 30 days in advance.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800897

CASE NAME: ROSITA T. SORTIJAS

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

PASCUAL SORTIJAS (PET)...SIMON MCKINSEY MILLER
ZOMMICK
ROSITA T. SORTIJAS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full
Independent Administration of Estates Act authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. All heirs waive bond. Petitioner is a California resident.

RECOMMENDATION:

Recommend for approval absent objections. If petition granted court will have to
set future dates. Set hearing for filing of inventory and appraisal for 6-30-09. Set
hearing for filing of accounting and/or status report for 1-26-10. Any accounting to
be filed 30 days in advance.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: PROPS0800901

CASE NAME: CHARLES M. GACSI

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

WARREN C. GACSI (PET)...HARTNELL LISTER & MOORE
CHARLES M. GACSI (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full
Independent Administration of Estates Act authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner alleges all heirs waive bond. Petitioner is a California resident.
File waivers or court will need to set bond in the amount of \$693,500.

RECOMMENDATION:

Need to clear note 1 or set bond. If petition granted court will have to set future
dates. Set hearing for filing of inventory and appraisal for 6-30-09. Set hearing for
filing of accounting and/or status report for 1-26-10. Any accounting to be filed 30
days in advance.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02077

CASE NAME: BLANTON FAMILY TRUST 06/21/99

HEARING:

Motion Re: ENFORCEMENT OF SETTLEMENT & ACCOUNTING Filed by
Petitioner MARK W HILL

COUNSEL:

MARK W HILL (PET)...MARK J TUNDIS
WAYNE BLANTON (TEE)...JAMES BANKS JR

GENERAL INFORMATION Opposed motion. Judge to decide. Nothing new filed.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02323

CASE NAME: JUANITA QUIROZ OLIVA

HEARING:

First and Final Account and Report of DAVID MARTIN OLIVA and
Petition for allowance of fees filed.

COUNSEL:

DAVID MARTIN OLIVA (PET)...PRO/PER
JUANITA QUIROZ OLIVA (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON First and Final Account and Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests statutory fees of \$5,710.00 to be paid in the form of lien against the real property. Ok
2. Attorney's for petitioner waive any right to receive statutory fees and further waives any fees in excess of \$1,200 for statutory fees. Petitioner will pay attorney from his own separate funds to Springer & Pollock.
3. Summary of account does not balance with figures given. Need to file verified supplement.
4. Disbursement schedule A and property on hand schedule B do not match the summary of account. Need to file verified supplement.
5. Notice sufficient.

RECOMMENDATION

Need to clear notes 3 and 4.

(cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02491

CASE NAME: CRISTINA SCOPAZZO

HEARING:
Hearing re Final Discharge

COUNSEL:
LORENZO SCOPAZZO (PET)...PETER J LINDEN
CRISTINA SCOPAZZO (DEC)...

GENERAL INFORMATION **Continued from 10-7-08. No one appeared. Clerk gave notice to counsel of record. Nothing new filed.**

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No receipts or final discharge filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. Clerk will have to notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02745

CASE NAME: THE NOEL FAMILY 1994 TRUST

HEARING:

Petition for INSTRUCT TRUSTEE AND TO REMOVE TRUSTEE

COUNSEL:

ERIC T. DAVIS
ERIC T DAVIS

(PET)...CHRISTOPHER J. ZUCCONI
(PET)...CHRISTOPHER J. ZUCCONI

GENERAL INFORMATION **Continued from 9-16-08 for possible settlement.**
Nothing new filed.

THIS CASE IS SET FOR HEARING ON petition for instructions and to remove the trustee.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner is a beneficiary and co-trustee of the Noel Trust. His mother is the other co-trustee. The trust became irrevocable upon the death of the last settlor. This matter first came the court's attention following the filing of a Pr.C. § 850 petition. That matter was resolved by stipulated settlement of parties. Court thereafter dismissed the petition without prejudice. The instant petition is based on that stipulated agreement and the failure of co-trustee, Linda Fox, to comply with the terms of that agreement. Petitioner alleges that Ms. Fox refuses cooperate in the distribution of the assets, including listing of the real property. Petitioner alleges that Ms. Fox is therefore in breach of her duties as a co-trustee. Petitioner alleges that the property is suffering waste, disrepair and the property taxes are delinquent.
2. Petitioner requests that the court remove Ms. Fox as co-trustee and name him as the sole trustee and require that Ms. Fox be liable for the costs and

- fees associate with this petition. Petitioner offers no authority for any request other than "Pr.C. § 17200" listed in the caption.
3. Petitioner has served only an attorney in Riverside, alleged to be the attorney for Linda Fox. There is nothing in the file indicating that this attorney has agreed to accept service on behalf of Ms. Fox. Petitioner also indicates in the petition the Department of Health Care Services has claimed an interest in the property. There is no proof of service on the Department of Health Care Services. If they are in fact claiming an interest in the property they must be personally served with the petition. Pr.C. § 17203(b).
 4. Petitioner has labeled the petition a petition for instructions, yet the petitioner has failed to seek any instruction from the court.
 5. Petitioner has asked that the co-trustee be removed and that he be appointed sole trustee. The court has the power to remove a trustee pursuant to Pr.C. § 17200(b)(10). It would appear that the petitioner is seeking removal in accord with Pr.C. §§ 15642(b)(1) breach of fiduciary duty, (b)(3) hostility of co-trustees and (b)(4) trustee declines to act.
 6. Petitioner offers no authority for right to recover attorney fees and costs. File verified supplement.
 7. There is no opposition in the file at the time of this review.
 8. File order after hearing.

RECOMMENDATION:

Require correction of notes.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: RPRRS02925

CASE NAME: JUDITH ANNE CORTEY

HEARING:

Hearing re Final Discharge

COUNSEL:

DAVID C PETT (PET)...GORTON JANOSIK & POXON
GWYNETH C STEPHEN (PET)...GORTON JANOSIK & POXON
JUDITH ANNE CORTEY (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No receipts or discharge filed.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS05833

CASE NAME: ISRAEL BALLER

HEARING:
Probate status report filed.

COUNSEL:
DIANE D. HARKISON (PET)...M DANIEL SAYLOR
ISRAEL BALLER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Estate is not in a condition to close in that there are 12 parcels of real property that need to be sold.

RECOMMENDATION:

If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 11-24-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06519

CASE NAME: MTR OF JOHNNIE B LAMBERT

HEARING: MOTION RE:TO DEEM ADMITTED REQUEST FOR
ADMISSION; COMPEL FURTHER RESPONSES AND FOR
SANCTIONS; FILED BY PETITIONER HARRY GODGREY LAMBERT
SR.

COUNSEL:
HARRY GODGREY LAMBERT SR (PET)...EDWARD B FISCHEL
JOHNNIE B LAMBERT (DEC)...
EVELYN D DOLPHIN (PET)...JERRY LA CUES
HARRY G LAMBERT SR (PET)...EDWARD B FISCHEL &
ASSOCIATES
JOHNNIE BERT LAMBERT (DEC)...

SEE CONFIDENTIAL MEMO
FILE TO LEGAL RESEARCH
12/04 MSC
12/11 READINESS
12/15 TRIAL

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 9:00 DEPT: E1

CASE #: SPRSS06835

CASE NAME: EST OF MATILDE C MARTINEZ

HEARING:
Accounting Review

COUNSEL:
LETICIA AGUILAR (PET)...NATHAN LOFTIN
MATILDE C MARTINEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The original accounting filed in this matter was continued 7 times. On 9-30-08 the court advised petitioner that the court would not accept the accounting as filed and that the entire accounting was to be redone correctly.
2. Nothing new filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH **CONSERVATORSHIPS**

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800205

CASE NAME: EVERETT R. HAMM

SEE ALSO 36

HEARING:

Petition for EXCLUSIVE AUTHORITY TO GIVE CONSENT FOR MEDICAL
TREATMENT

COUNSEL:

BEPPI HUTMIRE	(CPE)...RICHARD M. GHAN
EVERETT R HAMM	(CEP)...MARK S MAHONEY
BEPPI HUTMIRE	(CPE)...RICHARD M. GHAN
EVERETT R HAMM	(CEP)...

NOTE: THERE IS A REQUEST TO APPEAR BY VIDEOCONFERENCE
GENERAL INFORMATION see next page on calendar.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800205

CASE NAME: EVERETT R. HAMM

SEE ALSO 35

HEARING:
Petition for Appointment of Conservator

COUNSEL:	
BEPPI HUTMIRE	(CPE)...RICHARD M. GHAN
EVERETT R HAMM	(CEP)...MARK S MAHONEY
BEPPI HUTMIRE	(CPE)...RICHARD M. GHAN
EVERETT R HAMM	(CEP)...

GENERAL INFORMATION temporary orders made on 8-12-08. To date of this review no letters have issued. At the time of the exparte the court directed the clerk to notice the Public Guardian of possible appointment. Do not see proof of service on the Public Guardian.

Continued from 9-16-08. Clerk has now noticed the Public Guardian. Matter continued at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney Mahoney appointed for the Conservatee. The Conservatee is apparently objecting to the proposed Conservator.
2. Signatures on all documents are photocopies. Did court want original signatures? Judge to decide.
3. Medical powers sought. Capacity declaration not properly completed at section 7 in that it is not initialed by doctor. File properly completed capacity declaration.

4. Capacity declaration is a photocopy. Did court want original? Judge to decide.
5. Dementia powers are sought. Capacity declaration is in the file.
6. Dementia powers are sought. Court appointed Attorney Mahoney for the Conservatee.
7. Court Investigator report filed.
8. Petitioner indicates that Conservatee will not be attending hearing. However, capacity declaration indicates that the Conservatee has the ability to attend.
9. File required contacts form.
10. Per petition the Conservatee has no assets other than public benefit income. Why is conservatorship of the estate necessary? File verified supplement.
11. Appears estate would qualify for a waiver of bond.
12. File notice of hearing and proof of service.
13. File return of citation.

RECOMMENDATION:

Need to correct notes. Need court's ruling on necessity of estate conservatorship. If petition granted court will have to set future dates. Set hearing for filing of I & A, care plan and proof of recordation of letters, including proof of service of I & A, instructions for objection to I&A, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **6-30-09**. Set hearing for accounting review for **1-26-10**. Accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800255

CASE NAME: ISABEL MIRANDA GUILLEN
SEE ALSO 38

HEARING:
Hearing re: Petition for Appointment of Temporary
Guardian/Conservator

COUNSEL:
IRENE M. RIVAS (PCR)...
ISABEL MIRANDA GUILLEN (PCE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION This is a continuation of an exparte hearing. No
notes.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800255

CASE NAME: ISABEL MIRANDA GUILLEN
SEE ALSO 37

HEARING:
Petition for Appointment of Conservator

COUNSEL:
IRENE M. RIVAS (PCR)...
ISABEL MIRANDA GUILLEN (PCE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the person and estate.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests that no bond be required as the estate qualifies for a waiver pursuant to Pr.C. § 2323. Review of the file establishes that all of the Conservatee's income is public benefit and her only assets are \$750. It would not appear that conservatorship of the estate is necessary. Court could name petitioner as the designated payee of the benefits.
2. Medical powers sought. Capacity declaration in file.
3. Dementia powers are sought. Please file capacity declaration dealing with dementia.
4. Dementia powers are sought. Court has appointed Attorney Smith-Ortiz for the Conservatee.
5. Petitioner requests 2590 powers in relations to dealing with assets and compromising or adjusting any claims that may arise. Again these powers would not be necessary if the court determines that conservatorship of the estate is unnecessary.
6. Court Investigator report and addendum to report filed.

7. Section 4(b) of the confidential screening form is not completed. Court may wish to amend by interlineation.

RECOMMENDATION:

Need to correct notes. If petition granted court will have to set future dates. Set hearing for filing of I & A, care plan and proof of recordation of letters, including proof of service of I & A, instructions for objection to I&A, order appointing Conservator and care plan in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **6-30-09**. Set hearing for accounting review for **1-26-10**. Accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800257

CASE NAME: JOSEPH EUGENE WHITE-FINDEISEN

SEE ALSO 40

HEARING:
Petition for Appointment of Conservator

COUNSEL:
LOLETA KAY WHITE-FINDEISEN (PCR)...CHRISTOPHER A POULOS
BRADLEY WAYNE WHITE-FINDEISEN (PCR)...CHRISTOPHER A
POULOS
JOSEPH EUGENE WHITE-FINDEISEN (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for limited conservatorship of the person only by parents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Inland Regional Center report.
2. File contact information sheet.
3. There is a request to limit civil rights see pink tabs 1 and 2.
4. Petitioner requests that the court waive Court Investigator fees, as the Conservatee has no assets.
5. Need Court Investigator report.
6. Medical powers sought. Capacity declaration is in the file.
7. As this is a petition for limited conservatorship court must appoint counsel for Conservatee.

RECOMMENDATION:

Need reports and appointment of counsel. If petition granted court will have to set future dates. Set hearing for filing care plan for 6-30-09.

NMT

XREF CON0800258

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800258

CASE NAME: JON ELLIOT WHITE-FINDEISEN

SEE ALSO 39

HEARING:
Petition for Appointment of Conservator

COUNSEL:
LOLETA KAY WHITE-FINDEISEN (PCR)...CHRISTOPHER A POULOS
BRADLEY WAYNE WHITE-FINDEISEN (PCR)...CHRISTOPHER A
POULOS
JON ELLIOT WHITE-FINDEISEN (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for limited conservatorship of the person only by parents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need Inland Regional Center report.
2. File contact information sheet.
3. There is a request to limit civil rights see pink tabs 1 and 2.
4. Petitioner requests that the court waive Court Investigator fees, as the Conservatee has no assets.
5. Need Court Investigator report.
6. Medical powers sought. Capacity declaration is in the file.
7. As this is a petition for limited conservatorship court must appoint counsel for Conservatee.

RECOMMENDATION:

Need reports and appointment of counsel. If petition granted court will have to set future dates. Set hearing for filing care plan for 6-30-09.

NMT

XREF CON0800257

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: CONPS0800261

CASE NAME: ARIKA LYN LAWING

HEARING:
Petition for Appointment of Conservator

COUNSEL:

MICHAEL J LAWING	(CE)...LAYNE A BARTHOLOMEW
KATHY LYNN LAWING	(CE)...LAYNE A BARTHOLOMEW
ARIKA LYNN LAWING	(CTE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition for conservatorship of the estate only.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The proposed Conservatee is developmentally disabled. She is the beneficiary of a trust that will be making an initial distribution of \$192,000.
2. Petitioner requests bond in the amount of \$215,000. As the amount of bond must also include 10% recovery costs the amount of bond should be set at \$236,500. Court should also order petitioners to notice the court within 72 hours of receipts of assets in excess of \$215,000.
3. File required contact information sheet.
4. Court Investigator report filed.
5. As proposed Conservatee is developmentally disabled court may wish to request an Inland Regional Center report.
6. Court has appointed Attorney Smith-Ortiz for the proposed Conservatee. Need report of appointed counsel.

RECOMMENDATION:

Need report of counsel and court's determination on bond. If petition granted court will have to set future dates. Set hearing for filing of I & A, proof of recordation of letters, including proof of service of I & A, instructions for objection

to I&A and order appointing Conservator in accord with Pr.C. §§ 1830, 2313, 2352 and 2610 for **6-30-09**. Set hearing for accounting review for **1-26-10**. Accounting to be filed 30 days in advance.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00461

CASE NAME: DAVID F UTTZ

HEARING:

FIRST & FINAL Account and Report of DAVID F UTTZ JR and
Petition for allowance of fees filed.

COUNSEL:

PHILLIP N UTTZ	(PET)...PRO/PER	
DAVID F UTTZ SR	(PCE)...DONNASUE SMITH-ORTIZ	
DAVID F UTTZ JR	(PET)...MAUREEN MURATORE	
DAVID F UTTZ SR	(OBJ)...	
DELFINA UTTZ	(DAVID LYNN)...DAVID LYN
DAVID LYNN	(DAVID LYNN)...DAVID LYN

GENERAL INFORMATION this is really 2 accountings. The first accounting is a first and final accounting as the temporary Conservator. The second accounting deals with the first accounting as a permanent Conservator.

Accounting 1:

GENERAL INFORMATION Accounting covers the period 2-24-04 through 4-27-07 and concludes with appointment of petitioner as permanent Conservator.
Assets: \$4,481.41 cash

THIS CASE IS SET FOR HEARING ON first and final account of temporary Conservator.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner requests fees of \$1,394.75 for his services as Conservator. This amount represents 39.85 hours at \$35 per hour. Amount is itemized.
Judge to decide.

2. Conservator requests reimbursement of costs in the amount of \$611.81. Of that amount \$76.21 is for costs of photocopies. This is generally not allowed as a recoverable cost. Local Rules of Court, Rule 20-1406(d).
3. Attorney requests \$22,113.75 representing 104.75 hours at \$200-225 per hour. Amount is itemized. Judge to decide.
4. There are insufficient funds available to pay fees. A portion of the fees will be paid through a reverse mortgage just obtained on assets of the trust. The remainder will be taken as a lien against the real property.
5. Petitioner has used the simplified form of accounting, which is permissible in light of the assets. However, petitioner has failed to use the mandatory Judicial Council forms that became available on 1-1-08. Please re-file using the proper mandatory forms. Use of current Judicial Council Forms is mandatory. Calif. Rule of Court, rule 7.101. Mandatory forms for simplified accountings are GC405, 405(a) and 405(c).
6. There do not appear to be any unusual expenditures.
7. File original bank statements supporting assets on hand. As this was a first accounting file original bank statement immediately preceding the establishment of the conservatorship.
8. There are no objections in the file at the time of this review.

Accounting 2:

GENERAL INFORMATION Accounting covers 4-27-07 through 6-16-08
Assets: \$3,017.69 cash.

THIS CASE IS SET FOR HEARING ON first account of the Conservator

1. Last Court Investigator report was filed on 5-16-08 and is in the file.
2. Conservator requests fees \$920.50 representing 26.3 hours at \$35 per hour. Amount is itemized. Judge to decide.
3. Conservator requests reimbursement of \$661.34 in costs reimbursement of which \$32.82 represents costs of photocopies. This is generally not allowed as a recoverable cost. Local Rules of Court, Rule 20-1406(d). Judge to decide.
4. Attorney requests fees of \$16,856.25 representing 75.05 hours at \$225 per hour. Amount is itemized. Judge to decide.
5. There are insufficient funds available to pay fees. A portion of the fees will be paid through a reverse mortgage just obtained on assets of the trust. The remainder will be taken as a lien against the real property.
6. Petitioner has used the simplified form of accounting, which is permissible in light of the assets. However, petitioner has failed to use the mandatory Judicial Council forms that became available on 1-1-08. Please re-file using the proper mandatory forms. Use of current Judicial Council Forms is mandatory. Calif. Rule of Court, rule 7.101. Mandatory forms for simplified accountings are GC405, 405(a) and 405(c).
7. There do not appear to be any unusual expenditures.

8. There are no objections in the file at the time of this review.

RECOMMENDATION:

Need to correct notes. Court will need to rule on attorney fees and costs. If petition granted court will have to set future dates. Set hearing for the next account for 8-31-10, to cover the period of 6-17-08 through 6-16-10. Accounting to be filed 30 days in advance.

NMT

Future hearing dates: 01/06/09 Petition for Attorney's fees.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

DATE: 11/18/08 TIME: 10:30 DEPT: E1

CASE #: RC RS00539

CASE NAME: HERMINIA HERNANDEZ

HEARING:
Accounting Review

COUNSEL:
EDITH H MARQUEZ (PET)...A. STEPHENIE LOFTIN
HERMINIA HERNANDEZ (PCE)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as
specified in Pr. C. § 2620.2. Clerk must notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE J MICHAEL WELCH

MISC.

DATE: 11/18/08 TIME: 2:30 DEPT: E1

CASE #: RPRRS02879

CASE NAME: THE SANCHEZ TRUST

HEARING:
Court Trial -- Estimated trial length *** hrs. ***

COUNSEL:
MONA LISA BARTOLINI (PET)...LAYNE
MIRIAM AURELIO (PET)...ROBERT J SPITZ

GENERAL INFORMATION Matter on for court trial. No notes.

FILE OUT FOR READINESS 11/13

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN **PROBATE**

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: MPRMS01642

CASE NAME: ESTATE OF JOANNE CAROL HORTON

HEARING:

Order to Show Cause re: FAILURE TO APPEAR/FILE FINAL
DISCHARGE/RECEIPTS filed by DIRK LENNINGER.

COUNSEL:

DIRK LENNINGER (PET)...D M DAVIS
JOANNE CAROL HORTON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON O.S.C. re failure to appear and failure to
file required documents.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter was set when case was on calendar for filing of receipts and final
discharge. No documents were filed and no one appeared.
2. Clerk gave notice to attorney of record.
3. There is no bonding company to notice.

RECOMMENDATION:

If no one appears the court will have to issue citations and order them personally
served.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600216

CASE NAME: MTR OF DENIS WELDON HALE

HEARING:
Accounting Review

COUNSEL:
PRISCILLA MAE GORGAS-PASTOR (PET)...DAVID A NELSON
DENIS WELDON HALE (DEC)...

GENERAL INFORMATION Continued from 4-22-08 for date of death balances on bank accounts for the inventory and appraisal.
Continued from 06/24/08 at request of counsel. Nothing new filed.
Continued from 9-23-08. Court orders Priscilla Gorgas-Pastor to appear at the time of the 11-18-08 hearing if no accounting and/or status report filed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT/cbr/NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0600270

CASE NAME: MTR OF ALICE ANN CANTRELL

HEARING:

FIRST / CURRENT Account and Report of JAMES DAVID BEEBE and
Petition for allowance of fees filed.

COUNSEL:

JAMES DAVID BEEBE (PET)...DAVID M GROSSMAN
ALICE ANN CANTRELL (DEC)...

GENERAL INFORMATION accounting covers 4-29-06 through 8-15-08

THIS CASE IS SET FOR HEARING ON first account current and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner secured a loan to pay off reverse mortgage on decedent's residence, pay debts and repair the residence for sale. Sole heir signed a waiver of notice of proposed action on this loan.
2. Petitioner has indicated in the disbursements the amount of \$7,400 was spent on repairs to the house, but has not itemized these expenditures. Did court wish itemization? Judge to decide.
3. There are no objections in the file at the time of this review.
4. There are no unusual expenditures other than as listed in note 2.
5. Property is not in a condition to close due to the need to sell the real property.

RECOMMENDATION:

Need court's ruling on number 2. If petition granted court will have to set future dates. Set hearing for the next status report and/or account for 11-24-09. Any accounting to be filed 30 days in advance. Estate to remain open until that time.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700028

CASE NAME: JOAN EVANS AKA JOAN CLARK

HEARING:
Status Conference

COUNSEL:
PLES C CLARK (PET)...LAW OFFICES OF RIPLEY & ASSC.
JOAN EVANS (DEC)...
PATRICIA CHAGOLLA HOLIGORES (PET)...AARON CHARLE GREGG

GENERAL INFORMATION Matter on for status conference. No notes.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700490

CASE NAME: MARCELLA CHRISTINA LUNT

HEARING:
Accounting Review

COUNSEL:
FRANCIS MICHAEL LUNT (PET)...PRO/PER
MARCELLA CHRISTINA LUNT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. No accounting filed.
2. No inventory and appraisal filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700526

CASE NAME: MTR OF CRYSTAL B LINDBLAD

VACATED – Final Inventory and Appraisal filed.

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:
CARRIE D REAY (PET)...JULIA
CRYSTAL B LINDBLAD (DEC)...

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700732

CASE NAME: SUSAN KRISTINA MCNUTT

HEARING:
Accounting Review

COUNSEL:
J DONALD S MCNUTT (PET)...HORSPOOL & PARKER
SUSAN KRISTINA MCNUTT (DEC)...
MARY-ANN COMPTON (TP)...CRAIG M PARKER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700988

CASE NAME: SALLY FORLANO TRUST

SEE ALSO 9

HEARING:

Petition for COMPEL TRUSTEE TO ACCOUNT. REMOVE TRUSTEE AND
APPOINT SUCCESSOR TRUSTEE, BREACH OF TRUST ETC

COUNSEL:

LILLIAN ROSALES (PET)...JENNIFER L FIELD
SALLY FORLANO FAMILY TRUST DAT(DEC)...
ANGELICA MARIA FORLANO (MIN)...DONNASUE SMITH-ORTIZ
GABRIELLE ELIZABETH FORLANO (MIN)...DONNASUE SMITH-ORTIZ
ELIZABETH ENRIQUEZ (STE)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Continued from **12/3/07 and 03/03/08** as Elizabeth Enriquez objects to petition.
Court appoints counsel for the two minor beneficiaries. Court orders no more
withdrawals from the trust with or without prior court order.

Continued from **4/28/08** as minors' counsel has been unable to interview the
minors due to father's failure to cooperate. Court authorizes counsel to have
access to interview minors at their school.

Continued from **06/16/08** at request of both counsel. Both parties agreed that a
more detailed accounting shall be done. Nothing new filed with exception of
notice of continuance.

Continued from 8-19-08 by stipulation of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition to compel trustee to account;
remove trustee; breach of trust and surcharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED-

1. Petitioner is sister to the decedent and co-trustee with Elizabeth
Enriquez of the Sally Forlano Family Trust dated 12/28/04. The Trust

became irrevocable upon the death of Sally Forlano on 6/8/05. The beneficiaries of the trust are Sally Forlano's two minor children. The beneficiaries' share of the Trust is held until the beneficiary reaches the age of 25. However, the trust also provides distributions of the trust assets for the benefit of the beneficiaries for health, education, support, and maintenance at the sole discretion of the trustee.

2. Petitioner alleges that petitioner has made no withdrawals from the Trust and that co-trustee, Elizabeth Enriquez, has made regular withdrawals from the Trust bank account, which were not for the benefit of the beneficiaries.
3. Petitioner requests the court to compel the trustee to account. The Trust provides that accountings shall be made annually to the beneficiaries or legal guardians. Petitioner alleges that petitioner's counsel sent a written request in July of 2007 requesting a return of the misappropriated funds and for Ms. Enriquez's resignation. Question if the request included a request to report of account? File verified supplement.
4. A trustee may be compelled to account to the beneficiaries if the trustee has failed to submit an account within 60 days after a written request of the beneficiary and no account has been made within 6 months preceding the request (Pr.C. §17200(b)(7)). In the instant case the beneficiaries are minors and have not made any request of accounting. If the request made in 7/07 to Ms. Enriquez included a request for an account, does the court wish to allow the co-trustee's request for an accounting? JTD
5. Petitioner alleges that Ms. Enriquez failed in her duties to the beneficiaries of the trust, and failed to give timely accounts. Petitioner requests the court remove co-trustee and appoint petitioner as sole trustee of the Trust.
6. Petitioner alleges that the withdrawals made by Ms. Enriquez have caused the loss of assets and value to the Trusts and requests that Ms. Enriquez be held liable for damages suffered by the Trust. Together with interest.
7. No objections filed at the time of review of this file.
8. **Accounting by Co-Successor Trustee, Elizabeth Enriquez, if filed (see notes next matter).**
9. **Need report of counsel.**

RECOMMENDATION:

None.

(/kra/gls/kra/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0700988

CASE NAME: SALLY FORLANO TRUST
SEE ALSO 8

HEARING:
FIRST AND FINAL Account and Report of *** and Petition for
allowance of fees filed.

COUNSEL:
LILLIAN ROSALES (PET)...JENNIFER L FIELD
SALLY FORLANO FAMILY TRUST DAT(DEC)...
ANGELICA MARIA FORLANO (MIN)...DONNASUE SMITH-ORTIZ
GABRIELLE ELIZABETH FORLANO (MIN)...DONNASUE SMITH-ORTIZ
ELIZABETH ENRIQUEZ (STE)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Accounting covers period: 01/01/06 – 12/31/06

Assets on hand: \$9,384.71

Continued from **4/28/08** at request of counsel.

Continued from **06/16/08** at request of counsel. At the hearing, counsel reported that a portion of the missing funds, and the amount remained in contention is approximately \$70,000. Parties agreed that a more detailed accounting shall be prepared. Court requested that counsel file a declaration or short status report to bring the court up to date on status of trust. Nothing new filed with exception of notice of continuance.

Continued from 8-19-08 by stipulation of counsel. Nothing new filed.

THIS CASE SET FOR HEARING ON First and Final Account and Petition for
Allowance of Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The sole beneficiaries are the two minor children of the decedent. The minors are represented by attorney Donnasue Smith-Ortiz.
2. Need copies of PFF Bank & Trust Statements for the beginning balance (i.e., 01/01/06) and ending balance (12/31/06) per local rule 20-908.
3. Petitioner, as trustee, went from a starting balance of \$569,458.75 to an ending balance of \$9,384.71. There are the following inquiries re disbursements and expenses of the trust:
 - a. There are various payments to Elizabeth Enriquez totaling \$57,420.00 with no further explanation. Need verified supplement as to how these payments benefited the trust beneficiaries and the purpose of the disbursements.
 - b. On 7/19/06 there is a disbursement to "Sally Forlano (gift)" in the amount of \$4,500. Sally Forlano died on 06/08/05. Question this disbursement and the purpose for the expense? File verified supplement.
 - c. On 11/14/06, there is a "withdrawal" of \$500,000 with no further explanation. Question the purpose of this disbursement and how it benefited the trust beneficiaries? File verified supplement.
 - d. On 11/30/06, there is a disbursement of "clothes/shoes (\$1000 @ 4 months)" totaling \$4,000. This expense appears excessive for minors. Question the purpose of the large expense for clothes and shoes especially since the trustee already budgets a monthly clothes allowance (see note 4).
4. Petitioner has prepared a monthly spending report whereby a total of \$3,162.50 is allotted for minors' expenses (see tabbed report). The total of the "family expenses" is \$3,085.00 and the minor beneficiaries are paying half of these expenses, including half of the grocery bill, utilities, accommodations (is this the mortgage?) and insurance. Why would the minor beneficiaries be responsible for any part of the mortgage expense? The total expenses minors pay towards the monthly total appear excessive. Need verified supplement.
5. Petitioner paid two filing fees for this petition. The first appearance fee of \$320.00 and the additional \$180.00. Does court wish to order reimbursement? Judge to decide

RECOMMENDATION

Need to clear notes

(gls/kra/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0701186

CASE NAME: LEE KRETZ

HEARING:

WAIVER OF Account and Report of MARILYN J STAATS and Petition
for allowance of fees filed.

COUNSEL:

MARILYN J STAATS	(PET)...	VARNER & BRANDT, LLP
LEE KRETZ	(DEC)...	
MARILYN J STAATS	(PET)...	VARNER & BRANDT, LLP
LEE KRETZ	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON first and final report on waiver of
accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Sole heir waives accounting.
2. Statutory fees are \$4,165. Petitioner waives fees. As there are no liquid
assets petitioner agrees to be liable for the attorney fees.
3. There are no objections in the file at the time of this review.

RECOMMENDATION:

Recommended for approval absent objection. Set hearing for filing of receipts
and discharge for 11-24-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800020

CASE NAME: HELEN LOPEZ ROSEMANN

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

SAMUEL VENEGAS JR (PET)...DALE E. ROSE
HELEN LOPEZ ROSEMANN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800134

CASE NAME: ESTATE OF WILLIAM ANTHONY HOFFMAN

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MICHELE BOYER (PET)...JAXON E MILLER
WILLIAM ANTHONY HOFFMAN (DEC)...
JACKI STEPHENSON (TP)...CALDWELL, KENNEDY & PORTER, .

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800136

CASE NAME: john edward tayloe

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
VINCENT W BODIFORD (PET)...O'CONNOR & MARTIN
JOHN EDWARD TAYLOE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No inventory and appraisal filed.

RECOMMENDATION:

When an inventory and appraisal is not filed as ordered, the court may set a hearing in accord with Pr.C. §§ 8804 and/or 8505. Clerk must notice bonding company.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-16-09 for accounting review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800140

CASE NAME: JOSE C. ORMONDE

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

JOE C. ORMONDE	(PET)...	DENNIS M ASSURAS
CRIMILDE M. ORMONDE	(PET)...	DENNIS M ASSURAS
JOSE C. ORMONDE	(DEC)...	

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Inventory and Appraisal is not dated. Supplement filed indicating Inventory and Appraisal was signed on 09/25/08. Does court wish to require corrected final Inventory and Appraisal or in the alternative allow parties to interlineate? Judge to decide

RECOMMENDATION:

Court's discretion

NMT/cbr

FUTURE HEARINGS CURRENTLY SET: 6-16-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800142

CASE NAME: STEVEN C. OLLAR

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
SAMUEL JOSEPH OLLAR (PET)...HINCHY, WITTE, WOOD &
ANDERSON
STEVEN C. OLLAR (DEC)...

GENERAL INFORMATION

THIS CASE SET FOR HEARING ON Inventory and Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Final Inventory and Appraisal filed.
2. Need bank statements to support date of death balances.

RECOMMENDATION
Need bank statements.

(cbr)

Future hearing dates: 06/16/09 Accounting Review

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800149

CASE NAME: MTR OF MADELEINE I MIRANDA-MONTES

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

AARON J LYNCH (PET)...LAW OFFICES OF WOLFE & WOLFE
MADELEINE I MIRANDA-MONTES (DEC)...
INHERITANCE FUNDING COMPANY IN(TP)...STEVEN D SCHROEDER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800164

CASE NAME: MARY VIRGINIA NICOLL

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARY JANE BINGE (PET)...PRO/PER

MARY VIRGINIA NICOLL (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800166

CASE NAME: DOUGLAS C. FOX

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

CARA ANN FOX
DOUGLAS C. FOX

(PET)...BEST, BEST & KRIEGER
(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Inventory and appraisal has been filed.
2. Copies of investment account statements verifying the balance of cash or securities shall be filed with all inventories and/or accountings. Please file those documents.
3. Inventory and appraisal filed is a photocopy. Did court want originals?
Judge to decide.

RECOMMENDATION:

Need correction of note 2 and court's ruling on 3.

NMT

FUTURE HEARINGS CURRENTLY SET: 6-23-09 for accounting review.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800172

CASE NAME: MTR OF PHILLIP ARELLANES

VACATED

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

ROBERT ARELLANES (PET)...ROGER VON KAESBORG
PHILLIP ARELLANES (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The inventory and appraisal has been filed.

RECOMMENDATION:

Matter may go off calendar.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800664

CASE NAME: NICHOLAS EUGENE ROSS

SEE ALSO 21

HEARING:

Petition for WILL AND FOR LETTERS TESTAMENTARY

COUNSEL:

MICHAEL O'CONNOR (PET)...COVINGTON & CROWE
NICHOLAS EUGENE ROSS (DEC)...
DAVID N ROSS (PET)...MARK J TUNDIS
GRETCHEN ROSS (PET)...MARK J TUNDIS

GENERAL INFORMATION Continued from **9-4-08** to be heard in conjunction
with matter on next page of this calendar.

Continued from 10-7-08 to trail matter on next page.

THIS CASE SET FOR HEARING ON Petition for Letters of Administration with
full authority under IAEA. Filed by Michael O'Connor (based on information in the
file it appears that this person is a creditor)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests bond be set at \$100,000. Petitioner states the decedent's personal property is of unknown nature, character and value. Petition is filed in order to obtain probate proceedings to permit a creditor to pursue a claim against the estate.
2. Petitioner has filed petition using an outdated form. Does court wish petitioner to file petition with mandatory updated Judicial Council Forms? Judge to decide
3. Section 4(f)(2) of the petition is incomplete as to how petitioner related and entitled to letters. Need to file verified supplement.

4. It appears that persons of higher priority are entitled to appointment. Court may wish to inquire as to persons with higher priority of appointment per Pr.C.§8441.
5. Objections filed by Gretchen and David Ross. See next page on this calendar.

RECOMMENDATION

See next page on this calendar.

(cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800664

CASE NAME: NICHOLAS EUGENE ROSS

SEE ALSO 20

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

MICHAEL O'CONNOR (PET)...COVINGTON & CROWE
NICHOLAS EUGENE ROSS (DEC)...
DAVID N ROSS (PET)...MARK J TUNDIS
GRETCHEN ROSS (PET)...MARK J TUNDIS

GENERAL INFORMATION This is a competing petition to the petition on the
preceding page.

Continued from 10-7-08 at the request of attorney Tundis.

THIS CASE IS SET FOR HEARING ON Petition for probate with full I.A.E.A. and
no bond. Filed by Gretchen Ross and David Ross naming David as the executor.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. The will names Gretchen Ross as the first named executor and David as
the first alternate. Gretchen, by her nomination of David can be construed
as declining to act as the first named executor.
2. File proof of publication.
3. There are no objection filed to the instant petition.

RECOMMENDATION:

A person named in a will as executor has a right to appointment. Pr.C. § 8420.
Hence the petitioners in the second petition have priority over the petitioner in the
first petition. They must, however, correct the notes before David Ross can be
named Executor. If petition granted court will have to set future dates. Set
hearing for filing of inventory and appraisal for 6-30-09. Set hearing for filing of

accounting and/or status report for 1-26-10. Any accounting to be filed 30 days in advance.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800750

CASE NAME: CHARLOTTE M. ERICKSON

HEARING:

Hearing re: Petition for Probate, Letters of Testamentary With
Full Authority Under IAEA..

COUNSEL:

VICKIE JEAN BENNETT (PET)...NANCY PACK RAYMAN
CHARLOTTE M. ERICKSON (DEC)...

**GENERAL INFORMATION Continued from 9-23-08 for Ms. Gregory to file
objections in the proper form no later than 10-31-08. Nothing new filed as of
10-27-08. Counsel has given notice of court's ruling; however, do not see
that counsel noticed objector.**

THIS CASE SET FOR HEARING ON Petition for Probate, Letters Testamentary
with Full Authority under IAEA.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Will waives bond
2. Objections received in improper form from Freddie Gregory.
3. Delinquent tax notice submitted by Freddie Gregory regarding property in
Arkansas.

RECOMMENDATION

Court may wish to specifically order counsel to notice objector of court's ruling. If
approved, set future hearings for filing of Inventory & Appraisal on 6-30-09 and
for Accounting Review on 1-26-10. Any accounting to be filed 30 days in
advance. Note requirements of local rule 20-908.

(cbr/NMT/cbr)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: PROPS0800912

CASE NAME: IZYDOR DOUGLAS KASKELA

HEARING:

Hearing re: Petition for Letters of Admin. W/ Full Authority
under IAEA.

COUNSEL:

DIANE L SARGENT (PET)...HORSPOOL & PARKER
IZYDOR DOUGLAS KASKELA (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON Petition to administer, with full
Independent Administration of Estates Act authority and no bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Petitioner requests that all assets (\$70,000) be placed in a blocked
account in lieu of bond. Appears ok. Judge to decide.

RECOMMENDATION:

Need court's ruling re bond. If petition granted court will have to set future dates.
Set hearing for filing of inventory and appraisal for 6-30-09. Set hearing for filing
of accounting and/or status report for 1-26-10. Any accounting to be filed 30 days
in advance.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02840

CASE NAME: HENRY O. ANDERSON

HEARING:
Hearing re Final Discharge

COUNSEL:
ROSA M MOSLEY (PET)...ROSA M MOSLEY
HENRY O. ANDERSON (DEC)...

GENERAL INFORMATION Continued from 10-7-08.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Receipts filed.
2. Final discharge order has been submitted, but was rejected. Need properly completed final discharge order.

RECOMMENDATION:
Require petitioner to file properly completed final discharge order.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02916

CASE NAME: GLADYS H. HORITA

HEARING:
Accounting Review

COUNSEL:
CRAIG K. HORITA (PET)...SUZANNE M GRAVES
GLADYS H. HORITA (DEC)...
STATE OF CALIFORNIA FRANCHISE (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review. No accounting/ status report has been filed.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050. Clerk must notice bonding company.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02958

CASE NAME: SUSAN L PEARRE
SEE ALSO 27

HEARING:

Petition for PARTITION OF REAL PROPERTY & SALE; APPOINTMENT OF
RECEIVER

COUNSEL:

JEFFREY PERARRE	(PET)...LAYNE
SUSAN L PEARRE	(DEC)...
MATTHEW PEARRE	(OBJ)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON complaint for partition and sale of real property and appointment of receiver.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner, Jeffrey Perarre/Administrator, brings the current complaint exclusively under the C.C.P. Petitioner does not bring this action pursuant to any section of the Probate Code. Based thereon it would appear that civil service, including service of summons, would be required. No service has been filed to date. **Notice of hearing and proof of mailed service filed. Need proper notice, including personal service of summons.**
2. Petitioner alleges that defendant, Mack Pearre, 1/2 owner of the property in question, refuses to cooperate in the sale of the real property and refuses petitioner access to the property. Based thereon petitioner seeks partition and sale of the property.
3. Further, as the defendant refuses to cooperate and refuses access petitioner seeks the appointment of a receiver for purposes of the sale.
4. Petitioner seeks attorney fees, fees and expenses of the receiver and requests that these fees be paid by the parties entitled to a portion of the property based on their respective shares.

RECOMMENDATION:

Require proper notice. Then court's discretion.

NMT

Future hearing dates: 12/23/08 status report.

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02958

CASE NAME: SUSAN L PEARRE

SEE ALSO 26

HEARING:
Accounting Review

	COUNSEL:
JEFFREY PERARRE	(PET)...LAYNE
SUSAN L PEARRE	(DEC)...
JEFFREY S PEARRE	(PET)...SCOTT D BROWN
SUSAN L PEARRE	(DEC)...
MATTHEW PEARRE	(OBJ)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Matter is set for accounting review.
2. Status report filed to be heard on 12/23/08.

RECOMMENDATION:
Court may wish to take matter off calendar.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02992

CASE NAME: EDGAR L WATKINS

SEE ALSO 29

HEARING:
Hearing re Final Discharge

COUNSEL:
STEVEN WATKINS (PET)...STEPHEN I ZETTERBERG
EDGAR L WATKINS (DEC)...

GENERAL INFORMATION Continued from 10-14-08. No one appeared. Court continued matter and ordered parties noticed. Appears only counsel of record has been noticed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON filing of receipts and final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Only receipts for statutory fees and funeral expenses filed. Need all remaining receipts and need final discharge order.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS02992

CASE NAME: EDGAR L WATKINS

SEE ALSO 28

HEARING:

Order to Show Cause re: SANCTIONS filed by STEVEN WATKINS.

COUNSEL:

STEVEN WATKINS	(PET)...STEPHEN I ZETTERBERG
EDGAR L WATKINS	(DEC)...

GENERAL INFORMATION Continued from 10-14-08. No one appeared. Court continued matter and ordered parties noticed. Appears only counsel of record has been noticed. Nothing new filed.

THIS CASE IS SET FOR HEARING ON O.S.C. re sanctions.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter was set when case was on calendar for filing of receipts and final discharge. Nothing was filed and no one appeared.
2. Clerk gave notice to counsel only.

RECOMMENDATION:

If no one appears the court will have to issue citations and order them personally served.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 9:00 DEPT: E2

CASE #: RPRRS03030

CASE NAME: NATALIE DOLORES GARCIA

HEARING:
Accounting Review

COUNSEL:
LISA SOTELO (PET)...PETER RASLA & ASSOCIATES, P L
NATALIE DOLORES GARCIA (DEC)...
PATRICK B WRIGHT (TP)...

GENERAL INFORMATION:

Letters of Administration issued 4/15/08 (limited authority and blocked account requirement).

Continued from 4/22/08 at request of counsel.

Continued from 8-19-08. Court issued citation for administrator. We are awaiting return of the citation. Citation served on 09/17/08.

Continued from 10-14-08. Court issued a bench warrant with bail of \$50,000. Court ordered notice to the Public Administrator re possible appointment, clerk gave notice. Only new thing filed is a notice of hearing re first and final report on waiver of account. However, no petition filed. Nothing else new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review/Status Report

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No accounting or status report is filed. From a review of the file, it appears the only asset of the estate is real property valued at \$425,000 (DOD: 12/19/05).
2. A Request for Special Notice is filed by Patrick Wright, Probate Referee. It appears he is owed \$455 fee for valuing the estate property.

3. Petitioner filed a notice of hearing and proof of service for Petition for Final Distribution on Waiver of Account for 8/19/08 and for the 10-14-08 hearing. However, there is not petition filed re waiver of account.

RECOMMENDATION:
Court's discretion.

(gls/cbr/NMT/cbr/NMT)

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN CONSERVATORSHIPS

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700088

CASE NAME: FRANCES FAYE JONES

HEARING:
Hearing Re: CI REPORT AND STATUS

COUNSEL:
EDWINA T JONES (PET)...D M DAVIS
FRANCES FAYE JONES (PCE)...GREGORY P JOHNSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON filing of first annual Court Investigator report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Last Court Investigator report was filed on 4-25-08 and was the 6 month report.

RECOMMENDATION:
Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700124

CASE NAME: ESTELLA SANCHEZ

HEARING:
Accounting Review

COUNSEL:	
EFRIAN R SANCHEZ	(PET)...LAYNE A BARTHOLOMEW
FRANK SANCHEZ	(PET)...LAYNE A BARTHOLOMEW
ESTELLA SANCHEZ	(PCE)...SCOTT SOADY

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Matter is set for accounting review. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr. C. § 2620.2. There is no bonding company to notice.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0700218

CASE NAME: MTR OF KATHRYN ANN BANDHOLTZ

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of JENNIFER A GRABOWSKI

COUNSEL:

JENNIFER A GRABOWSKI (CP)...SELTERS & SELTERS
JERRY W GRABOWSKI (CP)...SELTERS & SELTERS
KATHRYN ANN BANDHOLTZ (CTP)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Need care plan.
2. Need Court Investigator 6 month report.

RECOMMENDATION:

Court's discretion.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800030

CASE NAME: MTR OF EVELYN R DILONARDO

HEARING:

Conservatorship Compliance Review Hearing on PETITION FOR
CONSERVATORSHIP of SANDRA DILONARDO

COUNSEL:

SANDRA DILONARDO (CPE)...MATTHEW E SHEASBY
EVELYN R DILONARDO (CEP)...NOREEN FONTAINE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON compliance review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE
NOTED:

1. Per minute order of 6-9-08 the Conservatee passed away. Court may wish to order final accounting.
2. No compliance items were ever filed in this matter.

RECOMMENDATION:

Court may wish to order final accounting to be filed. Court may also wish to vacate accounting review date of 6-9-09.

NMT

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800150

CASE NAME: MARY LEE COLEMAN

HEARING:

Hearing Re: STATUS OF FORECLOSURE OF CONSERVATEE'S HOME

COUNSEL:

ROBERT DOUGLAS COLEMAN (CPE)...LAW OFFICE OF JOHN M
HUGHES II

MARY LEE COLEMAN (CEP)...MITHCHELL I ROTH
PUBLIC GUARDIAN (CPE)...COUNTY COUNSEL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON status of foreclosure on Conservatee's home.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. On 10-14-08 counsel for the Conservatee advised the court that the Conservatee's home was in foreclosure.
2. Nothing new filed on this subject.

RECOMMENDATION:

Court's discretion

NMT

FUTURE HEARINGS CURRENTLY SET: 5-19-09 for compliance review
12-22-09 accounting review.

CIVCAL4 Superior Court - Redlands - Probate
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HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800214

CASE NAME: MTR OF MARIA DEL ROSARIO IBARRA

SEE ALSO 36A

HEARING:

Petition for Appointment of Conservator

COUNSEL:

MARIA AGNELES BLUE (CP)...FREDERICK
MARIA DEL ROSARIO IBARRA (CTP)...C. L. FARRELL
JOSE IBARRA (OBJ)...

GENERAL INFORMATION

Continued from 09/23/08. Objector Jose Ibarra's request to dismiss is denied; however, the court will allow an amendment to the petition. C.L. Farrell appointed counsel for proposed Conservatee. On 10/22/08 Ex-Parte hearing, C.L. Farrell declined to act as counsel. Attorney Duane Booth appointed counsel.

THIS CASE IS SET FOR HEARING ON

1. Petition for conservatorship of the person only by sister.
2. Petition for Limited Conservatorship of the person and estate by parents and sister.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition - #1- Maria Blue

1. Petitioner is a self represented litigant.
2. Medical powers sought. File capacity declaration.
3. File return of citation.
4. File notice of hearing and proof of service.
5. File list of contact information form.
6. Conservatee will attend hearing.
7. Court Investigator Special Report filed.

8. Petitioner incorrectly indicates that she is the Conservatee at section 3(d)(1). Court may wish to correct by striking that information by interlineation.
9. File order after hearing.
10. Signatures on all documents are photocopies. Did court want originals? Judge to decide.
11. At section 8(a) petitioner has referred to herself as the successor Conservator. She is not the successor. Court may wish to strike that comment by interlineation.
12. Conservatee is a client of Inland Regional Center. Inland Valley Regional Center report filed.
13. Need report of counsel.
14. **Objections filed by Jose Ibarra; father.**

Petition #2 – Ibarra/Freyre

1. Petitioner requests no bond as proposed Conservatee is receiving public benefits of \$6,828 annually and qualifies for a Pr. C. § 2628 waiver. Judge to decide
2. Proposed Conservators are nominees of the proposed Conservatee.
3. Proposed Conservatee is developmentally disabled. Inland Valley Regional Center report filed with competing petition.
4. Proposed Conservatee is developmentally disabled. Need report of counsel.
5. Proposed Conservatee **can** complete affidavit of voter registration.
6. Proposed Conservatee is unwilling to attend hearing. Return of citation filed.
7. Notice of hearing and proof of service filed for Inland Valley Regional Center. However, notice is not timely. As Inland Valley Regional Center has already prepared a report. Does court wish to require new notice on this petition? Judge to decide
8. Petitioners indicate proposed Conservatee is a patient of California Department of Developmental Services. Need notice to institution or verified supplement explaining why section 4(a) of the petition was checked.
9. Medical powers do not appear to be sought; however, capacity declaration filed. Need to file verified supplement explaining whether medical powers are being sought.
10. Special report filed by Court Investigator.

RECOMMENDATION:

Need to correct notes and set matter for contested hearing. If petition granted court will have to set future dates. Set hearing for filing of care plan and service of copy of order and rights for 4-28-09.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: CONPS0800214

CASE NAME: MTR OF MARIA DEL ROSARIO IBARRA

SEE ALSO 36

HEARING: Petition for CONSERVATOR OF THE PERSON/ESTATE
(LIMITED
CONSERVATORSHIP)

COUNSEL:

MARIA AGNELES BLUE (CP)...FREDERICK
MARIA DEL ROSARIO IBARRA (CTP)...DUANE P BOOTH
MATIANA IBARRA (CPE)...EDWARD B FISCHER & ASSOCIATES
CARMEN FREYRE (CPE)...EDWARD B FISCHER &
ASSOCIATES
JOSE IBARRA (CPE)...EDWARD B FISCHER
MATIANA IBARRA (CPE)...EDWARD B FISCHER & ASSOCIATES
CARMEN FREYRE (CPE)...EDWARD B FISCHER &
ASSOCIATES
MARIA DEL ROSARIO IBARRA (CEP)...
JOSE IBARRA (OBJ)...

See previous matter

Rancho Cucamonga District
CIVCAL4 Rancho District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: OG RS612

CASE NAME: IN THE MATTER OF DOUGLAS B CERINI

HEARING:

FIFTH Account and Report of JUDITH C VOILES and Petition for allowance of fees filed.

COUNSEL:

JUDITH C VOILES	(PET)...	ALTHOUSE & MCDONOUGH
LOIS V CERINI	(PET)...	ALTHOUSE & MCDONOUGH
DEPARTMENT OF VETERANS AFFAIRS	(PET)...	OFFICE OF REGIONAL COUNSEL
JUDITH C VOILES	(CPE)...	ALTHOUSE & MCDONOUGH
DOUGLAS B CERINI	(CEP)...	

GENERAL INFORMATION accounting covers 4-1-06 through 3-31-08.

Assets: \$562,797 cash
\$97,081.28 Non-cash assets.

THIS CASE IS SET FOR HEARING ON fifth account and report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner alleges that current bond is \$558,415 and needs to be increased at court's discretion. The current liquid assets of the estate are \$562,797. Annual income is \$85,656. The cost of recovery increase is \$67,814.36. Hence, bond should be increased to a total of \$716,267.36.
2. In previous years the court has allowed the Conservator \$2,000 per month for the maintenance of the Conservatee. Petitioner is requesting that this amount be raised to \$2,500.
3. In 11-06 Conservator was awarded \$1,500 per month for fees for her duties as Conservator. Petitioner requests that this amount be raised to \$2,000.

4. Petitioner has not set forth a basis for the requested increases in notes 2 and 3. She has stated that if the increases are allowed the Conservatee will still be able to save \$2,000 per month.
5. Petitioner has been permitted to pay caregivers \$20 per hour. Per petitioner this monthly cost averages \$646 per month. Petitioner requests that the court allow this to continue.
6. Petitioner requests that she be allowed to pay the Conservatee \$300 per month as an allowance.
7. Attorney requests fees of \$2,585 in fees representing 11 hours at \$235 per hour. Amount is generally itemized. Judge to decide.
8. Petitioner lists a disbursement of \$1,530.15 for repair on an auto. The assets on hand show now auto. Whose vehicle is this and if it is not an asset of the estate, why is Conservatee paying for it? File verified supplement.
9. Do not see a Court Investigator report after 10-15-99. **Updated Court Investigator report filed on 10/15/08.**
10. On notice of hearing and proof of service the court's address is incorrect. Court may wish to require properly completed notice of hearing to be served.

RECOMMENDATION:

Need correction of notes 8 and 10 and court's rulings on bond, fees request and monthly maintenance requests. If petition granted court will have to set future dates. Set hearing for the next account for 6-15-10, to cover the period of 4-1-08 to 3-31-10. Accounting to be filed 30 days in advance.

NMT/cbr

CIVCAL4 Superior Court - Redlands - Probate
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE CYNTHIA LUDVIGSEN

DATE: 11/18/08 TIME: 10:30 DEPT: E2

CASE #: RC RS00434

CASE NAME: *MF* EMMA V ORTIZ

HEARING:

THIRD AND FINAL Account and Report of DAVID A ORTIZ, LINDA M GOMEZ and Petition for allowance of fees filed.

COUNSEL:

ROSARY ORTIZ	(PET)...THOMAS E BANDY
GILDA ORTIZ	(PCR)...
EMMA V ORTIZ	(PCE)...DONNASUE SMITH-ORTIZ
LINDA MAXWELL	(SC)...
DAVID A ORTIZ	(PET)...LAYNE A BART HOLOMEW
APRIL C WOODS	(PET)...LAYNE A BART HOLOMEW
LINDA M GOMEZ	(SC)...LAYNE A BARTHOLOMEW

GENERAL INFORMATION This is really 2 accountings and will be treated as such.

Petition 1:

GENERAL INFORMATION Accounting covers 12-1-06 through 6-1-08.

Assets: \$5,915.65 cash

Conservatee died on 4-7-08.

THIS CASE IS SET FOR HEARING ON third and final accounting for conservatorship

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Attorney requests fees of \$3,356.50 of which \$448 has already been paid.
Per supplement petitioner requests that fees be paid from trust account, as estate has insufficient assets.
2. Both co-Conservators waive fees.

3. There are unexplained overdraft charges of \$74 in the accounting. File verified supplement. **Per supplement petitioners overestimated the balance of assets during the Conservatee's illness and hospital stay. Judge to decide.**
4. After the death of the Conservatee David Ortiz did not feel that he should write checks from the conservatorship account. He therefore paid the remaining caregiver fees of \$5,100 personally and now requests reimbursement. Judge to decide.
5. Bank statement is a photocopy. Please file original. **Per supplement the bank statement, although it appears to be a photocopy, is the original document provided by the bank.**
6. There is no indication of what is to be done with any assets left in the conservatorship account. Are they to be transferred to the trust? File verified supplement. **Per supplement all assets are to be transferred to trust.**
7. There are no objections in the file.

Petition 2:

GENERAL INFORMATION accounting covers 12-1-06 through 6-30-08

Assets: \$583,220.95 cash

THIS CASE IS SET FOR HEARING ON third and final account of the trust

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Bank statements are photocopies. As this is a trust created through a conservatorship the rules for conservatorship accountings should apply. Did court want originals? **Per supplement the petitioner alleges that they thought they filed the originals with the accounting. Do not find originals in the file, only photocopies. Petitioner alleges that duplicate originals will be sought from the bank.**
2. See petition 1 for information on fees for attorney.
3. Petitioner Linda Gomez is requesting fees of \$5,832. This is 1% of the trust value. Petitioners allege that 1% represents the reasonable value of the services rendered to the estate. **Per supplement, trust, at Article 7.6, merely indicates that the trustee will be entitled to reasonable fees.**
4. Co-Trustee David Gomez waives fees.
5. Linda Gomez requests reimbursement of costs of \$98.92. Amount is itemized.
6. Petitioners request authority to distribute in accord with the terms of the trust and the settlement order of the court. See Schedule P.
7. There do not appear to be any unusual expenditures in the accounting.
8. There are no objections in the file.

RECOMMENDATION:

Court's discretion. If petition granted court will have to set future dates. Set hearing for filing of receipts and discharge for 10-20-09.

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